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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,840	09/23/2005	Jacobus Cornelis Haartsen	P16747-US1	5481
27045	7590	07/25/2007	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				SAFAIPOUR, BOBBAK
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
07/25/2007				PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/550,840	HAARTSEN, JACOBUS CORNELIS
	<b>Examiner</b>	<b>Art Unit</b>
	Bobbak Safaipour	2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 April 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This Action is in response to Applicant's response filed on 4/27/2007. Claims 1-26 are still pending in the present application. **This action is made FINAL.**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-11, 14-22, and 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Szienski (UK Patent Application GB 2 366134 A)** in view of **Suzuki (US 2001/0011032 A1)**.

Consider **claim 1**, Szienski discloses a method for managing traffic in a network, involving a communication device with a limited power supply (abstract), characterized by: determining a current level of available power in said power supply for transmitting and receiving functions of said communication device (pg 2, lines 7-15, 28-33; pg 3, lines 10-33; pg 8, line 21 to pg 9 line 21); communicating said power level to a controller (figures 2 and 5; pg 6, lines 7-20); determining a current power drain rate of said power source (figures 2 and 5; pg 6, line 22 to pg 7, line 4; pg 8, line 21 to pg 9 line 21); detecting a need for data transfer associated with said communication device, wherein said data transfer is one of an incoming call to said communication device and a request for transmission from said communication device (pg 1, lines 4-33; pg 7, lines 6 -15; pg 8, line 21 to pg 9 line 21); determining a quantity of data relating to said data transfer (figure 4; pg 7 line 17 to pg 8 line 16); calculating whether said power level is sufficient to effect the transfer of said data (pg 2, lines 7-15, 28-33; pg 3, lines 10-33; pg 8, line 21 to pg 9 line 21); and signaling said controller to effect said data transfer according to said power level calculations (figures 4-5; pg 7, line 17 to pg 8, 16; pg 8, line 21 to pg 9 line 21).

Szienski fails to disclose wherein the quality of service provided to the communication device in the network is changed in response to said power level calculations.

In related art, Suzuki discloses a quality of service provided to the communication device in the network is changed in response to said power level calculations. (figures 2-3; paragraphs 35-37, 57-62)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Suzuki into the teachings of Szienski to provide a mobile communication terminal and a data transmission method where a user can implement transmission of data without having an awareness of the voltage level of the power source.

Consider **claim 14**, Szienski discloses an apparatus for managing traffic in a network involving a communication device with a limited power supply (abstract), characterized by: a transceiver for receiving and transmitting messages (figure 1); a controller for monitoring a current power level of said power supply and a calculated power drain rate of said communication device (pg 2, lines 7-15, 28-33; pg 3, lines 10-33; pg 6, lines 7-20; pg 8, line 21 to pg 9 line 21); means coupled to said power supply for determining said power drain rate of said communication device (figures 2 and 5; pg 6, line 22 to pg 7, line 4; pg 8, line 21 to pg 9 line 21); and signal means for signaling said communication device to one of receive and transmit messages according to said current power level and said drain rate (figures 4-5; pg 7, line 17 to pg 8, 16; pg 8, line 21 to pg 9 line 21).

Szienski fails to disclose wherein the quality of service provided to the communication device in the network is changed in response to said power level calculations.

Art Unit: 2618

In related art, Suzuki discloses a quality of service provided to the communication device in the network is changed in response to said power level calculations. (figures 2-3; paragraphs 35-37, 57-62)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Suzuki into the teachings of Szienski to provide a mobile communication terminal and a data transmission method where a user can implement transmission of data without having an awareness of the voltage level of the power source.

Consider **claim 2**, and as applied to claim 1 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein storing initial parameters for said power supply of said communication device and periodically updating said power supply parameters, wherein said parameters include: a drain rate for each communication service available to said communication device; and an initial power source level upon connection to the network. (Szienski: pg 2, lines 7-15, 28-33; pg 3, lines 10-33; pg 6, lines 7-20; pg 8, line 21 to pg 9 line 21)

Consider **claim 3**, and as applied to claim 1 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said step of signaling said controller comprises instructions based on said power supply connections for one of receiving all of said data, redirecting all of said data to a predetermined location, and receiving a portion of said data and directing the remainder of said data to a predetermined address. (Szienski: figures 4-5; pg 7, line 17 to pg 8, 16; pg 8, line 21 to pg 9 line 21; Suzuki: paragraphs 35-38; 44-48)

Consider **claim 4**, and as applied to claim 1 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said communication device is a battery operated remote sensor and said network is a wireless network. (Szienski: abstract; Suzuki: abstract)

Consider **claim 5**, and as applied to claim 4 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said network is a non-wireless network. (Szienski: pg 1, lines 4-10, 23-26)

Consider **claim 6**, and as applied to claim 1 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said communication device is a wireless mobile terminal and said network is a wireless network. (Szienski: abstract; Suzuki: abstract)

Consider **claim 7**, and as applied to claim 6 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said traffic is voice traffic and a voice call is begun on said mobile terminal at a first quality of service level according to an initially determined power level and power drain rate of said mobile terminal battery, and said voice call is continued at a second quality of service level according to a subsequently determined power level and power drain rate of said mobile terminal battery. (Szienski: figures 2 and 5; pg 6, line 22 to pg 7, line 4; pg 8, line 21 to pg 9 line 21; Suzuki: figures 2-3; paragraphs 35-37, 57-62)

Consider **claim 8**, and as applied to claim 6 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein a video message is presented for transfer and the audio

Art Unit: 2618

portion of the message is transferred but the video portion is redirected to a predetermined address and a message is sent to inform the recipient of said audio the location of said video portion. (Szienski: pg 7 line 16 to pg 8 line 28)

Consider **claim 9**, and as applied to claim 3 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said data comprises a Multimedia Messaging Service (MMS) message. (Szienski: pg 1 lines 8-11)

Consider **claim 10**, and as applied to claim 3 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said data comprises a video message. (Szienski: pg 7 line 16 to pg 8 line 28)

Consider **claim 11**, and as applied to claim 1 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said communication device is a wireless modem. (Szienski: pg 3, lines 6-8)

Consider **claim 15**, and as applied to claim 14 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein a database for storing initial parameters for said power supply of said communication device and periodically updating said power supply parameters, wherein said parameters include: a drain rate for each communication service available to said communication device; and an initial power source level upon connection to the network.

Art Unit: 2618

(Szienski: pg 2, lines 7-15, 28-33; pg 3, lines 10-33; pg 6, lines 7-20; pg 8, line 21 to pg 9 line 21)

Consider **claim 16**, and as applied to claim 14 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein means for signaling said controller to one of: receiving all of said data, redirecting all of said data to a predetermined location, and receiving a portion of said data and directing the remainder of said data to a predetermined address based on said power supply measurements. (Szienski: figures 4-5; pg 7, line 17 to pg 8, 16; pg 8, line 21 to pg 9 line 21; Suzuki: paragraphs 35-38; 44-48)

Consider **claim 17**, and as applied to claim 14 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said communication device is a battery operated remote sensor and said network is a wireless network. (Szienski: abstract; Suzuki: abstract)

Consider **claim 18**, and as applied to claim 17 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said network is a non-wireless network. (Szienski: pg 1, lines 4-10, 23-26)

Consider **claim 19**, and as applied to claim 14 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said communication device is a wireless mobile terminal and said network is a wireless network. (Szienski: abstract; Suzuki: abstract)

Consider **claim 20**, and as applied to claim 19 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said traffic is voice traffic and a voice call is begun by said wireless mobile terminal at a first quality of service level according to an initially determined power level and power drain rate of a battery for said wireless terminal and said voice call is continued at a second quality of service level according to a subsequently determined power level and power drain rate of said battery. (Szienski: figures 2 and 5; pg 6, line 22 to pg 7, line 4; pg 8, line 21 to pg 9 line 21; Suzuki: figures 2-3; paragraphs 35-37, 57-62)

Consider **claim 21**, and as applied to claim 14 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein a video message is presented for transfer and the audio portion of the message is transferred but the video portion is redirected to a predetermined address and a message is sent to inform the recipient of said audio the location of said video portion. (Szienski: pg 7 line 16 to pg 8 line 28)

Consider **claim 22**, and as applied to claim 14 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said communication device is a wireless modem. (Szienski: pg 3, lines 6-8)

Consider **claim 25**, and as applied to claim 14 above, Szienski, as modified by Suzuki, discloses the claimed invention wherein said means for determining said power drain rate further comprises periodically determining said power drain rate associated with said communication device when said communication device changes location during data transmission. (Szienski:

figures 2 and 5; pg 6, line 22 to pg 7, line 4; pg 8, line 21 to pg 9 line 21)

Consider **claim 26**, and as applied to **claim 1 above**, Szienski, as modified by Suzuki, discloses the claimed invention wherein the step of determining a current power drain rate of said power source further comprises the step of periodically determining said drain rate when said communication device changes location during data transmission. (Szienski: figures 2 and 5; pg 6, line 22 to pg 7, line 4; pg 8, line 21 to pg 9 line 21)

**Claims 12-13 and 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Szienski (**UK Patent Application GB 2 366134 A**) in view of Suzuki (**US 2001/0011032 A1**) and in further view of Liebenow (**6,459,896 B1**).

Consider **claim 12**, and as applied to **claim 1 above**, Szienski, as modified by Suzuki, discloses the claimed invention except for wherein said communication device is a cordless phone system and said network is a public switched telephone network (PSTN).

In related art, Liebenow discloses a communication device that is a cordless phone system and said network is a public switched telephone network (PSTN). (col. 1, lines 55-57; col. 4, lines 1-15; col. 4, lines 44-45)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Liebenow into the teachings of Szienski and Suzuki to notify a remote device of a low battery condition.

Consider **claim 13**, and as applied to claim 1 above, Szienski, as modified by Suzuki, discloses the claimed invention except for wherein said communication device is a personal digital assistant and connects to a PSTN by wirelessly connecting to a computer connected to said PSTN.

In related art, Liebenow discloses a communication device is a personal digital assistant and connects to a PSTN by wirelessly connecting to a computer connected to said PSTN. (col. 1, lines 10-15 and 55-57)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Liebenow into the teachings of Szienski and Suzuki to notify a remote device of a low battery condition.

Consider **claim 23**, and as applied to claim 14 above, Szienski, as modified by Suzuki, discloses the claimed invention except for, wherein said communication device is a cordless phone system and said network is a public switched telephone network (PSTN).

In related art, Liebenow discloses a communication device is a cordless phone system and said network is a public switched telephone network (PSTN). (col. 1, lines 55-57; col. 4, lines 1-15; col. 4, lines 44-45)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Liebenow into the teachings of Szienski and Suzuki to notify a remote device of a low battery condition.

Consider **claim 24**, and as applied to **claim 14 above**, Szienski, as modified by Suzuki, discloses the claimed invention except for wherein said communication device is a personal digital assistant and connects to a PSTN by wirelessly connecting to a computer connected to said PSTN.

In related art, Liebenow discloses a communication device is a personal digital assistant and connects to a PSTN by wirelessly connecting to a computer connected to said PSTN. (col. 1, lines 10-15 and 55-57)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Liebenow into the teachings of Szienski and Suzuki to notify a remote device of a low battery condition.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action:

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lana Le can be reached on (571) 272-7891. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

Art Unit: 2618

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Bobbak Safaipour*  
B.S./bs

July 19, 2007

*Lana N. L.*  
7-19-07  
LANA LE  
**PRIMARY EXAMINER**